

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOE PATRICK FLARITY, a marital  
community,

Plaintiff,

v.

ARGONAUT INSURANCE CO.,

Defendant.

CASE NO. 3:20-cv-06247

ORDER DENYING PLAINTIFF'S  
MOTION FOR JUDICIAL NOTICE

THIS MATTER comes before the Court on Plaintiff's Motion for Judicial Notice. Dkt. 25. The Court has considered the motion and the remaining file. Defendant did not file a response. Oral argument is unnecessary.

Plaintiff appears to seek judicial notice that the Court will follow *stare decisis*, that the jury has the right to review mixed questions of law and fact, and that he is entitled to "the same consideration as a BAR certified lawyer. . . ." Dkt. 25 at 2–3.

1 Pursuant to Federal Rule of Evidence 201(b): “The court may judicially notice a fact that  
2 is not subject to reasonable dispute because it: (1) is generally known within the trial court’s  
3 territorial jurisdiction; or (2) can be accurately and readily determined from sources whose  
4 accuracy cannot be reasonably questioned.”

5 Plaintiff’s motion should be denied because he does not move for judicial notice on the  
6 types of facts considered by the rule. The Court, however, is bound by applicable rules and *stare*  
7 *decisis*. See *Hart v. Massanari*, 266 F.3d 1155, 1180 (9th Cir. 2001).

8 In addition, the Court notes that this motion is meritless and frivolous. As a *pro se* party,  
9 Plaintiff is subject to the rules of civil procedure. *Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir.  
10 1995). If Plaintiff continues to file motions that are meritless or frivolous, then he may be  
11 subject to sanctions under Federal Rule of Civil Procedure Rule 11.

12 Therefore, it is hereby **ORDERED** that Plaintiff’s Motion for Judicial Notice (Dkt. 25)  
13 **IS DENIED**.

14 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
15 to last known address of the party appearing *pro se*.

16 Dated this 26<sup>th</sup> day of March, 2021.

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18 ROBERT J. BRYAN  
19 United States District Judge  
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